

2390706

RECEIVED

Case No. 91-0012A

APR 01 1991

Department No. I

SAIC - SAN FRANCISCO

FILED

91 JAN 25 09:07

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE CITY OF CARSON

Kiyosime  
BY D. THOMAS  
DEPUTYNEVADA DIVISION OF ENVIRONMENTAL  
PROTECTION,

Plaintiff,

vs.

ETICAM, INCORPORATED

Defendant.

CONSENT FOR THE  
ISSUANCE OF A DECREE

Plaintiff Nevada Division of Environmental Protection (DEP) has filed a Complaint alleging that Eticam Incorporated (Eticam) violated provisions of the Nevada Hazardous Waste Disposal Law (NHWDL), NRS 459.400 to 459.600.

DEP and Eticam, with no admission of liability, have agreed that all matters set forth in the Complaint should be settled without trial.

DEP and Eticam, having carefully considered the allegations of the Complaint, hereby agree and stipulate as follows:

STIPULATIONS

1. This Court has jurisdiction of the subject matter and of the parties consenting for the purpose of entering this Consent Decree.

/ / / /

administrative or judicial relief pursuant to NRS 459.565-459.585.

(b) DEP and Eticam, following discussions of the alleged violations at an enforcement conference, agree that penalties should be assessed in this manner: \$5,000 for the alleged violation of 40 C.F.R. § 262.34(b) (including 40 C.F.R. § 264.15(c)); \$10,000 for the alleged violation of 40 C.F.R. § 265.173; and \$5,000 for the alleged violation of 40 C.F.R. § 264.199(a). Eticam shall pay, by check made payable to the State of Nevada, a civil penalty of \$20,000 by February 10, 1991 or within one week of the issuance of an Order by the Court, whichever date occurs later.

(c) Eticam has submitted a plan, dated November 1, 1990, which has been reviewed and approved by DEP. Eticam shall remove all hazardous waste salt containers which are subject to the plan.

(d) Eticam shall remove all hazardous waste salt containers subject to the plan by November 1, 1992, in accordance with the approved removal plan, and to the satisfaction of DEP.

(e) Subject to Eticam's rights to a hearing appeal, and/or judicial review, which survive this Consent Decree, Eticam shall comply with all terms of the NHWDL and any applicable permit, regulation or order issued pursuant to the NHWDL.

/ / / /

/ / / /

1 Dated this 17th day of January, 1991.

2 Respectfully submitted,

3 Frankie Sue Del Papa  
4 Attorney General

5  
6 By 

7 Brian Chally  
8 Senior Deputy  
9 Attorney General  
10 Nevada Bar # 1836  
11 Division of Environmental  
12 Protection  
13 Capitol Complex  
14 Carson City, Nevada 89710  
15 (702) 687-4670

16  
17 Dated this 23rd day of Jan, 1991.

18 Eticam, Incorporated

19  
20 By 